

REMARKS

The Office communication mailed July 5, 2006 has been received and reviewed. The application is to be amended as previously set forth in order to clarify claims 18 and 21 and to include the elements of elected Group I into independent claim 11 of non-elected Group II. Claims 8, 12, and 13 are to be canceled. All amendments and claim cancellations are made without prejudice or disclaimer. No new matter has been added.

The Office communication first imposed a three way restriction requirement upon the claims. Applicants elect the invention of Group I having claims 6-10, 18 and 21 without traverse.

Then the Office communication went on to state that:

“Upon the election of Group I, Applicant must elect a single nucleic acid sequence from the group consisting of SEQ ID NOS: 1-168. If SEQ ID NO: 168 is elected, claims 6, 9 and 10 will be examined, as SEQ ID NO: 168 encodes the protein of SEQ ID NO: 169. If a sequence other than SEQ ID NO: 168 is elected, claims 6, 9 and 10 will be withdrawn from consideration until a generic claim linking all nucleic acid sequences is found to be allowable.”

To the extent the sequence election is understood, applicants would like to elect a nucleic acid sequence that encodes the peptide of SEQ ID NO:169 (*e.g.*, SEQ ID NO: 168). If that is appropriate, applicants' election is without traverse.

If the sequence election is narrower than that (*e.g.*, to a single nucleic acid sequence encoding the peptide of SEQ ID NO:169), applicants provisionally elect SEQ ID NO:168 with traverse. The reason for such a traversal is that applicants believe that the search should at least include all sequences that encode SEQ ID NO:169 to provide applicants with adequate protection for their disclosure (*see, e.g.*, claim 6).

Applicants also submit herewith a signed copy of the Information Disclosure Statement that was earlier submitted with this application. Applicants have reviewed the file to find that the earlier submitted copy evidently had been inadvertently submitted without signature.

The application should now be in condition for substantive examination. If questions remain after consideration of the foregoing, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Allen C. Turner', with a stylized, flowing script.

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